

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE GUARDIAN NEWS, INC. and SELIM
ZHERKA,

Plaintiffs,

07 Civ. 07078 (CLB)

-against-

PHILIP AMICONE, individually,
EDMUND HARTNETT, individually,
JOHN A. LISZEWSKI, individually
CITY OF YONKERS, New York,
PAUL WOOD, individually, POLICE
OFFICERS JOHN DOE'S #1 to #20,
individually, and SANITATION WORKERS
#1 to #20,

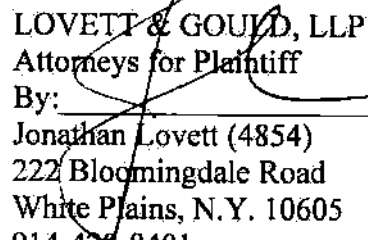
**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

Defendants.

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PLEASE TAKE NOTICE that upon the affidavit of Selim Zherka, duly executed August 12, 2007, the affirmation of Jonathan Lovett, duly affirmed on said date, and the exhibits annexed thereto Plaintiffs will move this Court at 10:00 A.M. on the 21st day of September 2007, at Room 218 of the United States Courthouse, 300 Quarropas Street, White Plains, New York for a preliminary injunction pursuant to FRCP 65(a) barring the Defendants' from: i) confiscating any newsracks placed by The Guardian News, Inc. on city-owned property in the City of Yonkers for distribution of The Westchester Guardian; confiscating any copies of The Westchester Guardian intended to be distributed on City-owned premises within the City of Yonkers; threatening employees of The Guardian News with arrest/incarceration for distributing The Westchester Guardian within the City of Yonkers; threatening Plaintiff Zherka with arrest/incarceration for distributing The

Westchester Guardian within the City of Yonkers; issuing to said employees and Plaintiff Zherka appearance tickets charging them with violating the City Charter for distributing The Westchester Guardian on city-owned property; and *inter alia* directing the Defendants to forthwith return to Plaintiffs all of the confiscated newsracks and newspapers.

Dated: White Plains, N.Y.
August 22, 2007

LOVETT & GOULD, LLP
Attorneys for Plaintiff
By: 
Jonathan Lovett (4854)
222 Bloomingdale Road
White Plains, N.Y. 10605
914-428-8401

To: Corporation Counsel, City of Yonkers
Kevin Plunkett, Esq.